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**FILED**

**OCT 27 2009**

RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 RAFAEL CARBAJAL-AYALA,  
a/k/a Jesus Torres-Aguilar and  
17 a/k/a Rafal Gomez-Lopez,

18 Defendant.

Criminal No. CR 09-1011 SI

~~PROPOSED~~ ORDER AND  
STIPULATION EXCLUDING TIME  
FROM OCTOBER 21, 2009, TO  
OCTOBER 30, 2009

19 The parties appeared before the Honorable Elizabeth D. Laporte on October 21, 2009.

20 With the agreement of counsel for both parties, the Court found and held as follows:

21 1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
22 3161, from October 21, 2009, to October 30, 2009, in light of the need for defendant's counsel to  
23 review discovery and to conduct further investigation. Failure to grant the requested  
24 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
25 preparation, taking into account the exercise of due diligence and the need for counsel to review  
26 discovery and to conduct further investigation.

27  
28 ~~PROPOSED~~ ORDER AND  
STIPULATION EXCLUDING TIME  
CR 09-1011 SI

1 2. Given these circumstances, the Court found that the ends of justice served by  
2 excluding the period from October 21, 2009, to October 30, 2009, outweigh the best interest of  
3 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

4 3. Accordingly, and with the consent of the defendant, the Court ordered that the period  
5 from October 21, 2009, to October 30, 2009, be excluded from Speedy Trial Act calculations  
6 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

7  
8 IT IS SO STIPULATED.

9 DATED: October 22, 2009

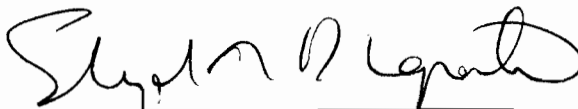
\_\_\_\_\_  
/s/  
GEOFFREY HANSEN  
Counsel for Rafael Carbajal-Ayala

11  
12 DATED: October 22, 2009

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/s/  
DARYL T. EREMIN  
Special Assistant United States Attorney

14  
15 IT IS SO ORDERED.

16  
17 DATED: Oct 27, 2009

  
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THE HON. ELIZABETH D. LAPORTE  
United States Magistrate Judge